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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/724,318
Filing Date: November 26, 2003
Appellant(s): OLIVER, HUW EDWARD

LADAS & PARRY
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/31/2008 appealing from the Office action mailed

10/30/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Rao US 2002/0087526 (Jul. 4, 2002)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11, and 13-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao
(Pub. No. US 2002/0087526).

Per claim 1, Rao teaches a method of obtaining user feedback relating to items
displayable on a device, the method comprising:

displaying on the device (*fig 4 is displayed on client computer*; [0034]) a view of a said
displayable item (fig. 4; [0034]; *a view of web page 52*),

a first activatable transport-control element with associated first semantic information
([0047]; *i.e. "backward" button with associated rating box; [0035] shows search result links
(elements 56-64 of fig. 4) with associated rating fields*), and

a second activatable transport-control element with associated second semantic
information that is different from said first semantic information ([0047], *i.e. "forward" button
with associated rating box. "Forward" text has different semantic information from "backward"*

button text; [0035] *shows search result link (elements 56-64 of fig. 4) with associated rating*

fields. In addition, each link description has a different semantic information from other link

description); and

responding to activation of a said transport-control element both by moving the displayed

item view within or between displayable items (figs. 4; [0037] and [0047]; *a user can move*

between web pages using "backward" and "forward" button) and by storing or outputting data

indicative of the semantic information associated with the activated element ([0047]; [0073];

outputting of a rating box and storing of rating information), the item-view move that is effected

as a result of activation of a said transport-control element being the same whichever of said

elements is activated ([0047]*, the examiner considers "the item-view move that is effected as a*

result of activation of a said transport-control element being the same whichever of said

elements is activated" to be in moving between web pages using "forward" or "backward"

button, the rating box is outputted in both cases).

Per claim 2, Rao teaches a method according to claim 1, wherein said displayable items

are web pages, the device running a web browser for viewing the web pages (fig. 4; [0033], and

[0034]; *a web browser (user interface) is used to display web pages)*.

Per claim 3, Rao teaches a method according to claim 2, wherein the transport-control

elements are displayed as part of the web browser interface, independently of a currently-

displayed web page (fig. 4; [0034]; [0047]; *"forward", "backward" and elements 56-62 are*

displayed as part of the web browser interface (the user interface for viewing webpage), which is

separate from the displayed web page 52).

Per claim 4, Rao teaches a method according to claim 3, wherein the semantic

information is provided from externally of the device (fig 4; [0034]; [0028]; [0037]; [0047]; *the*

semantic information of search result links (56-62) are provide to the user from the internet. In

addition, it is noted that "forward" and "backward" button are part of web browser software,

which is provided to the client machine from an external source (i.e. software installation)).

Per claim 5, Rao teaches a method according to claim 2, wherein the transport-control

elements are displayed as part of a currently displayed web page (fig. 4; [0034] and [0047];

search result links (56-62), "backward" and "forward" buttons are part of currently display

page 52).

Per claim 6, Rao teaches a method according to claim 1, wherein said semantic

information comprises text data (fig. 4; [0034], [0047]; [0073]; *search result links (56-62)*

includes a short title and description summary of each web page; "backward" and "forward"

with associated rating box comprises text data).

Per claim 7, Rao teaches a method according to claim 1, wherein said semantic

information comprises a graphics information (fig. 4; [0035]; *rating field (64-72); "backward"*

and "forward" button are shown with icon symbols "<" and " >").

Per claim 8, Rao teaches a method according to claim 1, wherein said data comprises a first message type that is output every time said first transport-control element is activated, and a second message type that is output every time said second transport-control element is activated ([0047]; *the "forward" and "backward" button, each displays a different message type such as displaying different web pages i.e. "backward" or "forward" page.)*

Per claim 9, Rao teaches a method according to claim 1, wherein: said first semantic information comprises information describing a positive aspect and said second semantic information comprises information describing a negative aspect (fig. 4; [0035]; [0073]; *rating fields with low 64 and high 72).*

Per claim 10, Rao teaches a method according to claim 9, further comprising displaying a third transport control element with associated third semantic information describing a neutral aspect (fig. 4; [0034] [0073]), *the examiner considers one of the search result links (56-62) to be a third transport control element with associated third semantic information describing a neutral aspect (i.e. rating field 68; or a rating scale of 5 out of 10).*

Per claim 11, Rao teaches method of obtaining feedback data from a plurality of users of one or more on line services, said method comprising (fig. 1; clients 23 and 29; servers 24, 26, and 28):

displaying a set of transport-control elements for transporting in the same direction between display views comprising said online service (fig. 4; [0034]; *i.e. a set of transport-*

control elements: links 56 and 58. Selecting link 56 or link 58 results in moving forward from

the current display page (52) to a next page (Schnauzers or Labrador page). The examiner

considers such moving forward is in the same direction namely "moving forward to a new

page") and

for each said transport-control element, presenting an associated information describing a

type of experience which said user has encountered that is different from each other said

transport control element ([0035] *shows search result link (elements 56-64 of fig. 4) with*

associated rating fields. In addition, each link description has different semantic information

from other link description.).

Claim 13 is rejected under the same rationale as claim 1, Rao further teaches a display

and a display control arrangement (fig. 1; [0027]; [0034]; *user interface of fig. 4 is displayed on*

a client computer display).

Claims 14-22 are rejected under the same rationale as claims 2-10 respectively.

Per claim 23, Rao teaches a device according to claim 13, wherein said information

describing a user's experience is selected from the set comprise of : information determining

whether a user found/did not find what-they wanted ([0038] and [0039]; *rating information*

determining whether a user found/did not find what they wanted); information describing

whether a user had a good/bad experience, information describing whether a user had a

satisfactory/unsatisfactory experience ([0035]; [0073]; *rating fields describing whether the user*

had low or high rating.)

Per claim 24, Rao teaches a device according to claim 14, wherein the control

arrangement is arranged to send said data to an address associated with a website that provided

the currently displayed page ([0079]; *real-time feedback data is provided to a web host).*

Claims 25-31 are rejected under the same rationale as claims 1-10 respectively.

Per claim 32, Rao teaches a web page stored on a storage medium, the web page

comprising:

    page content data (fig. 4; [0034]; *web page 52),*

    a first activatable transport-control element with associated first semantic information

([0047]; *"backward" button with associated rating box (i.e. semantic information); [0035]*

shows search result links (elements 56-64 of fig. 4) with associated rating fields (i.e. semantic

information),

    a second activatable transport-control element with associated second semantic

information that is different from said first semantic information, the transport-control elements

and their associated semantic information being intended for display by a browser along with

said page content data ([0047], i.e. "forward" button with associated rating box. "Forward" text

has different semantic information from "backward" button text; [0035] shows search result link

(elements 56-64 of fig. 4) with associated rating fields. In addition, each link description has a different semantic information from other link description); and

control script code for causing a browser, when displaying the web page, to respond to activation of a said transport-control element both by moving the displayed page view within or between web pages (figs. 4; [0037] and [0047]; *a user can move between web pages using "backward" and "forward" button. It is noted that each button or link has code or script code in order for the user to activate the function provided by the button or link*) and by storing or outputting data indicative of the semantic information associated with the activated element ([0047]; [0073]; *outputting of a rating box and storing of rating information*), the page-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated ([0047], *the examiner considers "the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated" to be in moving between web pages using "forward" or "backward" button, the rating box is outputted in both cases*).

Claims 33-37 are rejected under the same rationale as claims 6-10 respectively.

Per claim 38, Rao teaches a web page according to claim 32, wherein said page is divided into at least a first frame containing said transport-control elements with their associated information (fig. 4; [0035] [0047]; *i.e. first frame: a frame that contains control buttons, or a frame that contains the search result links 56-64*, and a second frame containing said content data (fig. 4; content frame 52).

Per claim 39, Rao teaches a web page according to claim 32, wherein storage medium is

a web server ([0028] *shows pages are stored in databases*).

Claims 40 is rejected under the same rationale as claim 32.

Per claim 41, Rao teaches a service provider computer entity adapted for providing an

online accessible service, said computer entity comprising:

a web server application capable of serving website pages to a plurality of user browsers;

and (fig. 1; [0017]; *web server 24 or 26 severing web pages to plurality of client 23 and 29*)

a message generation component for, upon activation of a transport-control element of

the browser causing the passing to a said browser requesting a website page, one of a plurality of

information items associated with respective ones of a plurality of transport-control elements of

the browser (fig. 4; [0046], [0047]; *"backward" and "forward" button with associated rating*

information), respective ones of said information items describing a positive aspect and a

negative aspect of an experience of the website page served by said computer entity (fig. 4;

[0035], [0073]; *LO or HI rating of fig. 4*).

Per claim 42, Rao teaches a computer entity according to claim 41, wherein said

information comprises a text description of a positive information type and a text description of a

negative information type (fig. 4; [0035], [0073]; *LO or HI rating of fig. 4*).

Per claim 43, Rao teaches a computer entity according to claim 41, wherein said information comprises a graphical representation of a positive type and a graphical representation of a negative type (figs. 4; [0035] *show rating range from low 64 to high 72).*

Per claim 44, Rao teaches a computer entity according to claim 41, wherein said information comprises information selected from the set comprise of information constructed for eliciting an objective response, information constructed for eliciting a subjective response (fig. 4; [0035], and [0073] shows *rating fields and provide opinions of sites).*

Per claim 45, Rao teaches a computer entity according to claim 41, wherein said web server application is arranged to provide the information generated by the a message generation component to the requesting browser in association with the requested web page (fig. 1; [0033], and [0034] *shows displaying web pages based on user request.*)

(10) Response to Argument

A) Appellant's primary argument is that "Rao responds to activation of a transport-control element not by both moving the displayed item and storing/outputting data – in fact, it does neither, because Rao responds to activation of a transport-control element (i.e. forward or back button) by *causing a rating box to appear,* and it is only after the user has entered a selection in this rating box that the displayed item is moved and data is outputted. Applicant submits that the language of Rao is very clear and not open to any alternative interpretations - in

response to the back/forward button being activated, a rating box appears and nothing more. To put it plainly, Rao requires two clicks and Applicant only one."

In response to appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., *Rao requires two clicks and Applicant only one*) are not recited in the rejected claim(s).

B) Appellant points out that Rao does not teach responding to activation of a said transport-control element both by moving the displayed item view within or between displayable items and by storing or outputting data indicative of the semantic information associated with the activated element, the item-view move that is effected as a result of activation of a said transport-control element being the same whichever of said elements is activated.

The examiner does not agree because Rao teaches moving the displayed item view within or between displayable items by allowing a user to move between displayed web pages (*i.e. displayed item view*) in response to the selection of "backward" or "forward" button, see figs. 4, paragraph [0037] and [0047]). In addition, Rao teaches storing or outputting data indicative of the semantic information associated with the activated element by outputting of a rating box and/or storing of rating information in response to the selection of "backward" or "forward" button, see [0047] and [0073]). Rao further teaches the item-view move that is affected as a result of activation of a said transport-control element being the same whichever of said elements is activated by providing the same rating box as the result of moving between web pages, in response to either user's selection of "forward" or "backward" button, see, [0047]).

C) The appellant points out that Rao does not teach for each said transport-control

element, presenting an associated information describing a type of experience which said user

has encountered that is different from each other said transport control element. The examiner

does not agree because Rao teaches each said transport-control element, presenting an associated

information describing a type of experience which said user has encountered that is different

from each other said transport control element by presenting rating fields that comprises multiple

selections for the user to present to the search system the user's experience with an associated

search link, see [0035], [0037], and [0038]).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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